

**REMARKS**

This is a full and timely response to the final Office Action dated January 22, 2009, in which Applicants' Claims 1-6 and 17-20 were allowed; Applicants' Claims 7, 8, and 10-16 were rejected; and Applicants' Claim 9 was objected to. By way of this Amendment, Applicants' Claims 9, 11, 14, and 16 have been amended; and Applicants' Claims 7, 8, and 10 have been cancelled. Reconsideration of pending Claims 9 and 11-16, and continued allowance of Claims 1-6 and 17-20, is respectfully requested in view of the following remarks.

This Amendment, submitted pursuant to 37 C.F.R. § 1.116, is an earnest attempt to advance prosecution and reduce the number of issues and is believed to clearly place this Application in condition for allowance. This Amendment was not earlier presented because Applicants earnestly believed the prior Amendment placed the subject Application in condition for allowance. The instant Amendment overcomes all of the rejections set-forth in the Office Action dated January 22, 2009, and does not raise new issues requiring further search or consideration. It is thus respectfully submitted that entry and consideration of this Amendment are proper under 37 C.F.R. § 1.116.

**I. Claim Rejections under 35 U.S.C. § 102(e)**

On page 2, the Office Action rejects Applicants' Claims 7, 8, 10, and 12-16 under 35 U.S.C. § 102(e) as anticipated by U.S. Pat. No. 7,013,057 ("the Osterberg reference").

Applicants' Claims 7, 8, and 10 have each been cancelled without prejudice or disclaimer of the subject matter therein.

Applicants' Claims 13 and 16 have each been amended to depend directly from Applicants' amended, newly-independent Claim 11, which is believed allowable for the reasons explained below.

Applicants' Claims 12, 14, and 15 also depend from Applicants' amended, newly-independent Claim 11 and are consequently believed allowable therewith.

**II. Claim Rejections under 35 U.S.C. § 103(a)**

On page 3, the Office Action rejects Applicants' dependent Claim 11 under 35 U.S.C. § 103(a) as being unpatentable over the Osterberg reference in view of U.S. Pat. No. 6,586,926 ("the Bomya reference").

Applicants note that the Osterberg reference qualifies as prior art solely under 35 U.S.C. § 102(e) as stated on page 2 of the Office Action. As was kindly pointed out by Examiner, 35 U.S.C. § 103(c) may be utilized to disqualify a § 102(e) reference from precluding patentability under § 103(a) when the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person or organization. MPEP § 706.02(l)(2) provides an example of a statement sufficient to establish common ownership of, or an obligation for assignment to, the same person(s) or organizations(s). This statement may be made by an attorney of record. In accordance with this section of the MPEP, Applicants' attorney hereby states that, *at the time the invention described and claimed in the present application (Application Serial No. 10/748,974) was made, the application and the reference (U.S. Pat. No. 7,013,057) were made, owned by, or subject to an obligation of assignment to Honeywell International, Inc.*

Considering the foregoing statement, it is respectfully submitted that the Osterberg reference is disqualified from precluding the patentability of Applicants' pending claims, including Claim 11, under 35 U.S.C. § 103(a). Furthermore, Applicants' Claim 11 has been rewritten in independent form to include all of the limitations of its original base claim (Claim 10, now cancelled) and any intervening claims (none). It is therefore respectfully submitted that Applicants' amended, newly-independent Claim 11 is allowable.

**III. Allowable Subject Matter**

Applicants acknowledge with appreciation the statement appearing on page 5 of the Office Action dated January 22, 2009, indicating that Applicants' Claims 1-6 and 17-20 have been allowed.

Applicants also acknowledge with appreciation the statement appearing on page 5 of the Office Action indicating that Applicants' Claim 9 is objected to, but would be

allowable if rewritten in independent form to include all of the features of its base claim and any intervening claims.

In keeping with the Office Action's suggestion, Applicants' have rewritten Claim 9 in independent form to include all of the features of its base claim (Claim 7, now cancelled) and any intervening claims (Claim 8, now cancelled). It is therefore respectfully submitted that Applicants' amended, newly-independent Claim 9 is allowable.

#### **IV. Conclusion**

Considering the foregoing remarks and amendments, Applicants respectfully submit that the Application is now in condition for allowance.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If, for some reason, Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge INGRASSIA, FISHER & LORENZ, PC, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,  
INGRASSIA, FISHER & LORENZ

Dated: February 10, 2009

By: /JUSTIN J. LEACH/

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